

REMARKS/ARGUMENTS

Claims 1-20 are pending in this Application.

Claims 1, 2, 4, 12-14, and 17-20 are currently amended.

Claims 1-20 remain pending in the Application after entry of this Amendment.

No new matter has been entered.

In the Office Action, claims 1-20 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Allowable Subject Matter

Applicants thank the Examiner for allowing claims 1-20.

Examiner Interview of September 7, 2006

Applicants' undersigned wishes to thank the Examiner for the interview of September 7, 2006.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Applicants respectfully traverse the rejections and request reconsideration and withdrawal of the rejections based on 35 U.S.C. § 112, first paragraph. In the Office Action, claims 1-20 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner expressed concern in the Office Action that the terms "predetermined threshold" and "threshold" are, verbatim, silent within the specification. The Examiner reiterated this concern in the interview of September 7, 2006 that one ordinarily skilled in the art would not understand what the terms "predetermined threshold" and "threshold" meant as recited in the claims, since the terms "predetermined threshold" and "threshold" are, verbatim, silent within the specification.

Thus, in response to the Examiner's concerns and in order to expedite prosecution of the Application, Applicants have amended the claims to remove the term "threshold" and to recite the term "limit." (see Application: Page 4, paragraph [0013] for support of the term "limit"). Therefore, Applicants submit that claims 1-20 are allowable.

Applicants additionally reserve the right to use the term “threshold” in claims of continuation applications. In doing so, Applicants wish to remind the Examiner that the test for sufficiency of support in a patent application is not whether the claimed term are present, verbatim, in the specification. Under Vas-Cath, Inc. v. Mahurkar, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991), to satisfy the written description requirement, an applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention, and that the invention, in that context, is whatever is now claimed. The test for sufficiency of support in a patent application is whether the disclosure of the application relied upon “reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter.” Ralston Purina Co. v. Far-Mar-Co., Inc., 772 F.2d 1570, 1575, 227 USPQ 177, 179 (Fed. Cir. 1985) (quoting *In re Kaslow*, 707 F.2d 1366, 1375, 217 USPQ 1089, 1096 (Fed. Cir. 1983)).

An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. Lockwood v. American Airlines, Inc., 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997). The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.

In rejecting a claim, the Examiner must set forth express findings of fact which support the lack of written description conclusion (see M.P.E.P. § 2163 for examination guidelines pertaining to the written description requirement). These findings should: (A) Identify the claim limitation at issue; and (B) Establish a prima facie case by providing reasons why a person skilled in the art at the time the application was filed would not have recognized that the inventor was in possession of the invention as claimed in view of the disclosure of the application as filed. The Examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. Wertheim, 541 F.2d at 263, 191 USPQ at 97.

Applicants submit that the Examiner concern that the claimed terms are not verbatim present in the specification does not fulfill the Examiner's initial burden. Applicants

submit that possession of a threshold is shown to one ordinarily skilled in the art through at least the filter function shown in equation (1) on page 7, equations (2) and (3) on page 8, and equation (4) on page 9, in addition to other examples. Furthermore, Applicants submit that the specification “reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter” as Applicants have not proscribed any special meaning to the terms “threshold” or “limit.”

Referring now to the aforementioned filter function, for example, by varying a coefficient α of the filter function in equations 2, 3, and 4, the amount of acceleration of the superhero shown in Applicants’ FIG. 1 that is imparted to the superhero’s cape can be controlled. A threshold, limit, or predetermined point, number, and value can be set such that the superhero’s cape is influenced differently by the superhero’s acceleration when the threshold, limit, or predetermined point, number, and value is exceeded. Equation (4) explicitly shows that when the acceleration of the super hero is less than a_M (i.e., a threshold or limit that has been set in this example to be $3G$ ’s or 2840cm/s^2), none of the superhero’s acceleration is imparted to the cape and the coefficient α of the filter function is set to zero. When the acceleration of the superhero is equal to or exceeds the threshold of a_M (i.e., $3G$ ’s), the coefficient α of the filter function is set according to the function shown, and the entire cape feels and acceleration force that matches the superhero’s acceleration over time. Thus, when the predetermined threshold (e.g., $3G$ ’s) is exceeded, the cape does not react to the superhero’s upward bound except to move exactly upward with the superhero.

Thus, Applicants submit that possession of a threshold is shown to one ordinarily skilled in the art through at least the filter function shown in equation (1) on page 7, equations (2) and (3) on page 8, and equation (4) on page 9, in addition to other examples. Furthermore, as a description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the Examiner to rebut the presumption (See, e.g., In re Marzocchi, 439 F.2d 220, 224, 169 USPQ 367, 370 (CCPA 1971), Applicants submit that the Examiner has not provided any express findings of fact why a person skilled in the art at the time the application was filed would not have recognized that the inventor was in possession of the invention as claimed in view of the disclosure of the application as filed.

Examiner's Statement of Reasons for Allowance

Applicant's respectfully disagree with the Examiner's statement of reasons for allowance of the claims 1-20. For example, the Office Action alleges that Chadwick discloses "object exceeds a predetermined threshold such that the motion of the at least one dynamic object is influenced differently by the motion of the kinematic object when the motion of the kinematic object exceeds the predetermined threshold." However, as discussed in previous responses, Chadwick does not teach or suggest the feature of "manipulating the motion of said at least one dynamic object in response to the motion of the kinematic object when the motion of the kinematic object exceeds a predetermined limit such that the motion of the at least one dynamic object is influenced differently by the motion of the kinematic object when the motion of the kinematic object exceeds the predetermined limit" as recited in claim 1.

Instead, Chadwick merely discloses deformation of tendons that model the bending at the joint of an articulated skeleton. In Chadwick, the control points of the tendon are resolved for each frame by determining the bisection angle of the joint. If the angle of Chadwick exceeds a threshold angle, then the threshold angle is bisected; else the joint angle is bisected. Whichever angle is chosen at each frame, either the bisection of the joint angle or the bisection of the threshold angle, that angle is then used to resolve the control points of the tendon to determine the position of the tendon. (Chadwick: Page 247, lower second column, item 1.) The determination of the position of tendons in Chadwick based on bisection of a threshold angle is substantially different from the feature of "manipulating the motion" of said at least one dynamic object in response to the motion of the kinematic object when the motion of the kinematic object exceeds a predetermined limit such that the motion of the at least one dynamic object is influenced differently by the motion of the kinematic object when the motion of the kinematic object exceeds the predetermined limit" as recited in claim 1.

Therefore, Applicants submit that Chadwick does not teach or suggest the feature of manipulating the motion of at least one dynamic object in response to the motion of a kinematic object when the motion of the kinematic object exceeds a predetermined limit such that the motion of the at least one dynamic object is influenced differently by the motion of the

kinematic object when the motion of the kinematic object exceeds the predetermined limit as recited in the independent claims.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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